

LEGISLATIVE SUMMARY



2006 Legislative Year

A compilation of legislation from the second half of the 2005-2006
Legislative Session affecting the Department of Toxic Substances Control

State of California

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Introduction

This report summarizes all bills considered by the California State Legislature during the second Legislative year of the 2005-2006 Legislative Session that either directly or indirectly affected the Department of Toxic Substances Control's (DTSC) mission and programs. This includes bills carried over from the 2005 Legislative Year (two-year bills) as well as bills introduced in the 2006 Legislative Year. Bills noted as "Chaptered" were passed by the Legislature and signed by the Governor. Bills noted as "Vetoed" were passed by the Legislature but disapproved by the Governor (veto messages are included at the end of this report). Bills noted as "Dead" either failed passage in a policy or fiscal committee or on the floor of either house of the Legislature, or were no longer pursued by their authors.

The report lists the bills in numerical order and by subject area. All signed bills take effect on January 1, 2007, except for urgency, tax levy, election, and appropriation measures, which take effect upon the date of signing. Occasionally, different legislation amends the same section of law. In most of these instances, the language from the bill that was chaptered last (the higher chapter number) takes precedent and becomes the law.

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Copies of the bills can be obtained from the Bill Room at the State Capitol. Bills and bill-related documents can also be viewed on the California Legislative Counsel's internet site (<http://www.leginfo.ca.gov>).

DTSC's 2006 Legislative Summary can also be viewed on its Internet site:
<http://www.dtsc.ca.gov>

Acronyms

AB	Assembly Bill
AESTM	Assembly Committee on Environmental Safety and Toxic Materials
ARB	Air Resources Board
BDO	Boards, Departments and Offices within Cal/EPA
BOE	Board of Equalization
Cal/EPA	California Environmental Protection Agency
CEQA	California Environmental Quality Act
CIWMB	California Integrated Waste Management Board
CUPA	Certified Unified Program Agency
DHS	Department of Health Services
DTSC	Department of Toxic Substances Control
EIR	Environmental Impact Report
OEHHA	Office of Environmental Health Hazard Assessment
RWQCB	Regional Water Quality Control Board
SB	Senate Bill
SR	Senate Resolution
SOR	Senate Committee on Rules
SEQ	Senate Committee on Environmental Quality
State	State of California
SWRCB	State Water Resources Control Board
US EPA	United States Environmental Protection Agency

Assembly Bills

AB 17 *Koretz – Universal Waste: Dead*

AB 17 would have required the CIWMB, by January 1, 2008 and in collaboration with DTSC, to develop a comprehensive action plan to assist state and local governments in the handling of universal waste. AB 17 would have also identified a variety of elements the action plan would have been required to address.

AB 134 *Nunez – Public Infrastructure Bonds: Dead*

AB 134 was part of the legislative package of bond issues that was eventually put before the voters of California.

AB 136 *Committee on Budget – Resources: Dead*

AB 136 would have required that \$12 million dollars be made available from a continuously appropriated fund for transfer or direct expenditure for acquisition, grants, or other activities that directly restore the Salton Sea.

AB 158 *Bermudez – Railroads: Safety Study – (Chapter 697, Statutes of 2006)*

AB 158 creates the Special Railroad Safety Taskforce and requires the taskforce to submit a report to the Legislature discussing findings and recommendations related to making improvements to railroad safety measures and to report on sites located along the railways that are found to be hazardous.

AB 219 *Nakanishi – State Agencies: Publications - Dead*

AB 219 would have required all State departments, commissions, and agencies to submit an electronic copy of each publication issued to the State Library. This bill would have required the State Library to create and maintain a Web site that includes a monthly or quarterly list of each state publication issued during the immediately preceding month or quarter and that provides access to an electronic copy of each publication.

AB 271 *Blakeslee – State Employees: Scientists - Dead*

AB 271 would have provided that a person appointed to any state scientist class on or after January 1, 2006, should have a baccalaureate degree in a scientific discipline from a foreign or domestic accredited university.

AB 274 *Baca – State Employees: Paid Leave: Education - Dead*

AB 274 would have authorized employees of State Bargaining Unit 10 and employees in classifications corresponding to those in State Bargaining Unit 10, but excluded from collective bargaining under the Ralph C. Dills Act (Chapter 10.3 (commencing with Section 3512) of Division 4 of Title 1) to be granted up to three days of paid leave per fiscal year to attend professional development courses.

AB 283 *Koretz – Ephedrine and Pseudoephedrine: Retail Sale – Dead*

AB 283 would have provided that the dispensing, sale, or distribution at retail of any compound, mixture, or preparation containing any detectable quantity of ephedrine, pseudoephedrine, or any derivative of ephedrine or pseudoephedrine be subject to specified additional requirements. A retailer would have been required to store and display the product in a locked cabinet or as specified and the transaction would be required to be made by a retailer or employee of a retailer who meets specified requirements. A violation of any of these provisions would have been a misdemeanor, punishable as specified.

AB 284 *Bermudez – State Employees: Salary Ranges: Professional Scientists - Dead*

AB 284 would have required the Department of Personnel Administration (DPA) to establish and adjust salary ranges for employees in State Bargaining Unit 10, unless the employees are represented by an employee organization that has been granted exclusive recognition by the state, and state employees in classifications corresponding to those in State Bargaining Unit 10, but excluded from collective bargaining under the Ralph C. Dills Act. The bill would have required DPA

and the employee organization that has been recognized as the exclusive representative for State Bargaining Unit 10 to jointly survey annually and calculate the estimated average total compensation for comparable services in other public and private employment, and would have required DPA and the California Association of Professional Scientists, as an employee organization representing employees excluded from collective bargaining, to jointly survey annually and calculate the estimated average total compensation for comparable services in other public and private employment. It would have required the department to annually submit to the Legislature reports containing the surveys' findings, and would require the department to take into consideration the information contained in these reports prior to making salary recommendations for these state employees. The implementation of new pay scales based on the survey results would have been subject to collective bargaining.

AB 289 Chan – Chemicals: Testing Methods (Chapter 699, Statutes of 2006)

AB 289 authorizes Cal/EPA or one of its boards, departments or offices, including DTSC, to request a chemical manufacturer to provide technical information about chemicals they manufacture, and requires certain steps to precede such requests.

AB 475 Baca – Local Military Base Recovery Area (LAMBRA) - Dead

AB 475 would have extended the LAMBRA designation given to a military base or former military base from 8 years to 14 years.

AB 492 Baca – Hazardous Materials: Perchlorate: Business Plans - Dead

AB 492 would have required a business to include, as part of its business plan and any updates to that business plan, information detailing the manner in which perchlorate waste generated onsite is disposed or otherwise handled.

AB 597 Montanez – Response Actions: Brownfield Sites - Dead

AB 597 would have clarified that the California Land Reuse and Revitalization Act of 2004 (CLRRA) provided immunity under certain provisions of common law as well as specified statutes, and would have made changes to the RWQCBs' and SWRCB's public participation requirements for the investigation and oversight of contaminated sites and subsequent cleanups to make them more similar to the public participation process used by DTSC. The public participation provisions were reintroduced in AB 2144 (Montanez).

AB 782 Mullin – Redevelopment: Project Area (Chapter 113, Statutes of 2006)

AB 782 deleted a criterion of the definition of "blight" from the Community Redevelopment Law.

AB 906 Houston – Income Taxes: Credits: Construction Costs: Qualified Developments - Dead

AB 906 would have authorized a credit against taxes under personal and corporation taxes on or after January 1, 2005 in an amount equal to 15% of costs paid or incurred during the taxable year for the construction or redevelopment of a qualified development.

AB 908 Chu – Cosmetics - Dead

AB 908 would have provided that any cosmetic would be considered misbranded if sold by Internet Web Sites where the list of ingredients was not easily and readily available to be viewed by the prospective purchaser before the purchase is completed. This bill would have also prohibited a person from manufacturing, selling, or distributing in commerce, any cosmetic that contained dibutyl phthalate (DBP) or di-(2-ethylhexyl) phthalate (DEHP) on or after January 1, 2007.

AB 923 Chavez – Fireworks: Sale: Disposal - Dead

AB 923 would have authorized the sale of safe and sane fireworks from December 26 through January 1 of any year pursuant to a license issued by the State Fire Marshall, if authorized by a city, county, or city and county ordinance or resolution that may also restrict the hours of use of the fireworks.

AB 956 Coto – Hazardous Materials: Release Site: Public Information - Dead

AB 956 would have required either the administering agency designated by the Site Designation Committee or DTSC to submit to Cal/EPA specific information regarding all sites for which remediation action was approved after January 1, 2000, and to post site specific information on the Internet.

AB 1034 *Spitzer – Controlled Substances: Methamphetamine: Manufacture by Chemical Means: Increased Incarceration - Dead*

AB 1034 would have increased the time in State prison for the manufacture of methamphetamine by chemical extraction or independently by means of chemical synthesis up to 5, 7, or 9 years.

AB 1186 *Horton, Jerome – State Civil Service - Dead*

AB 1186 would have provided that DPA not establish, adjust, or recommend a salary range for any excluded or exempt employee that is less than the recommendation established by procedures of the Excluded and Exempt Compensation Advisory Compensation Commission, which would have been created by this bill.

AB 1193 *Hancock – Recycling: Compact Discs and Digital Versatile Discs - Dead*

AB 1193 would have prohibited the distribution or mass mailing of compact discs (CDs) or digital versatile discs (DVDs) for commercial purposes to households that are assessed a solid waste fee, without the consent of a person in the household, unless the recipient is provided a postage paid return mailing label or similar return mechanism. This bill would also have required that a person who sells or provides a disposable CD or disposable DVD to a consumer in this State to include postage prepaid mailing envelope or similar no-cost-to-the-consumer mechanism for returning the disc.

AB 1232 *Horton, Jerome – Water Replenishment Districts - Dead*

AB 1232 as introduced would have expanded the environmental fee, the main funding source for DTSC's contaminated site cleanup, hazardous materials laboratory, and pollution prevention activities, to all companies with 50 or more employees. The environmental fee provisions were later amended into AB 1803 (Laird), a Budget Trailer Bill. AB 1232 was later amended to deal with water replenishment districts and, as such, had no impact on DTSC.

AB 1279 *Ruskin – Hazardous Substances: Military Base Remediation: Oversight – Dead*

AB 1279 would have deleted the reference to the 2003 Budget Act that relates to authority for DTSC and the SWRCB to retain staff positions that provide oversight and related support of remediation activities at military or closed military sites; or who are funded directly or indirectly by federal grants. Deleting this reference would have allowed DTSC and the SWRCB to retain the authority to keep these staff positions continuously as opposed to only having it for the 2003 fiscal year.

AB 1295 *Bermudez – Fireworks: Sale: Disposal - Dead*

AB 1295 would have authorized the sale of safe and sane fireworks from December 26 through January 1 of each year pursuant to a license issued by the State Fire Marshall, if authorized by a city, county, or city and county ordinance or resolution that may also restrict the hours of use of the fireworks.

AB 1302 *Horton, Jerome – Office of Administrative Law: Regulations (Chapter 713, Statutes of 2006)*

AB 1302 modifies the conditions under which a state agency may adopt emergency regulations.

AB 1327 *Tran – Hazardous Materials: Accidental Release Prevention Program - Dead*

AB 1327 would have corrected two minor technical problems in the hazardous materials business plan program and the accidental release plans program, under the jurisdiction of the Certified Unified Program Agencies (CUPA) program.

AB 1333 *Frommer – Grease Waste Haulers (Chapter 186, Statutes of 2006)*

AB 1333 prohibits a grease waste hauler from removing grease from a grease trap or grease interceptor unless the hauler removes all grease, greasy liquid, water, and solids from the grease trap or grease interceptor each time of removal. This bill will subject a grease waste hauler to a civil

penalty for a violation of these provisions and would allow for the enforcement of these provisions only against the grease waste hauling company.

AB 1337 *Ruskin – Environment: State Buildings: Green Building Standards - Vetoed*

AB 1337 as introduced would have made a variety of changes to the statutes governing hazardous waste facility permits and permitting requirements. AB 1337, as later amended, would have enacted the "Green" Building Act of 2006 and would have required the CIWMB, by July 1, 2008, to adopt regulations for green building standards for the construction or renovation of state buildings, as defined.

AB 1341 *Committee on Environmental Safety and Toxic Materials – California Pollution Control Financing Authority (Chapter 714, Statutes of 2006)*

AB 1341 amends the California Educational Facilities Authority Act, the Health Facilities Financing Authority Act and the California Pollution Control Financing Authority Act to require a project applicant to provide documentation, prior to issuance of bonds for the project, showing that the project has complied with CEQA, or is not a project under CEQA. AB 1341 also extends the authorization for the California Pollution Control Financing Authority until January 1, 2012, and authorizes the Authority to increase the amount of grants and loans from \$5,000,000 to \$7,500,000 and

AB 1387 *Jones – CEQA: Residential Infill Projects (Chapter 715, Statutes of 2006)*

AB 1387 authorizes a lead agency under CEQA to approve a residential project on an urban infill site without having to mitigate or make a finding of overriding consideration for significant impacts on traffic in an environmental impact report (EIR) if specified criteria are met.

AB 1681 *Pavley – Lead Containing Jewelry (Chapter 415, Statutes of 2006)*

AB 1681 prohibits the manufacture, shipping, sale, or offering for sale of jewelry, children's jewelry, or jewelry used in body piercing that contain lead above specified levels.

AB 1803 *Laird – Budget Trailer Bill related to public resources (Chapter 77, Statutes of 2006)*

AB 1803, among other things, expands the environmental fee to cover all businesses with fifty or more employees, directs DTSC to report to the Governor and the Legislature on the prior fiscal year's expenditure of the fees as collected, eliminates several obsolete funds and make the Toxic Substances Control Account (TSCA) the successor fund, and makes technical statutory changes in provisions related to the hazardous waste manifest to conform California's hazardous waste laws to recent changes in federal manifest regulations.

AB 1806 *Laird – Budget Trailer Bill related to state government (Chapter 69, Statutes of 2006)*

AB 1806 modifies the Public Resources Code related to the loan guarantee program for chrome plating facilities administered by the Business, Transportation and Housing Agency, to expand its provisions to metal finishers.

AB 1811 *Laird – Supplemental Budget Provisions (Chapter 48, Statutes of 2006)*

AB 1811 makes a variety of adjustments to the appropriations made in AB 1801 (Laird). Relevant to DTSC, AB 1811 decreases the expenditure authority from the Toxic Substances Control Account (TSCA) by \$5.5 million, and increases expenditure authority from the General Fund by \$5.5 million.

AB 1813 *Committee on Budget – Public Resources: Hazardous Materials Tax (Chapter 344, Statutes of 2006)*

AB 1813 specifies that the modification to statute identifying the universe of fee-payers made in the 2006/07 Budget (AB 1803, Laird) is to apply for the first time to the fee that is due for the 2007 calendar year.

AB 1935 *Bermudez – Railroads: Maintenance and Safety (Chapter 885, Statutes of 2006)*

AB 1935 requires that the inspection of railroad locomotives, equipment and facilities occur no less frequently than every 120 days, and beginning July 1, 2008, focused inspections of railroad yards and

track be conducted in coordination with the Federal Railroad Commission if determined to be necessary.

AB 2092 *Hancock – Hazardous Substances Release: Vapor Intrusion – Vetoed*

AB 2092 would have required Cal/EPA, in coordination with various state and local entities, to compile a summary of sites with known or potential vapor intrusion, as defined, and post the summary and related information on the Internet.

AB 2127 *Tran – Hazardous Waste: Alkaline Batteries - Dead*

AB 2127 would have required the CIWMB and the SWRCB, by July 1, 2007, to conduct a joint study on whether there are any environmental impacts caused by the random disposal of alkaline batteries in permitted solid waste landfills, the extent of the impacts and proposed solutions to mitigate those identified impacts.

AB 2144 *Montanez – Hazardous Materials: Land Use (Chapter 562, Statutes of 2006)*

AB 2144 modifies the public participation requirements under the California Land Reuse and Revitalization Act of 2004 and under the Porter Cologne Water Quality Control Act. In addition, AB 2144 authorizes DTSC to require that data and information be submitted in electronic format.

AB 2155 *Wolk – Hazardous Waste: Treatment: Pharmaceutical Activities (Chapter 741, Statutes of 2006)*

AB 2155 exempts certain hazardous waste treatment activities conducted by the pharmaceutical industry from the requirement to obtain a hazardous waste facility permit, provided certain conditions are met.

AB 2202 *Saldana – Hazardous Waste: Electronic Devices - Dead*

AB 2202 would have expanded the scope of products banned from sale in California under the Electronic Waste Recycling Act (EWRA) to include all of the categories of electrical and electronic equipment banned by the European Union (EU).

AB 2211 *Kamette – Solid Waste Disposal Site Cleanup (Chapter 762, Statutes of 2006)*

AB 2211 requires the CIWMB to include emergency action funding for solid waste facilities and sites involving solid waste handling. This bill authorizes the CIWMB to expend funds directly for the cleanup of a publicly owned site only if the CIWMB determines that the public entity lacks resources or expertise to timely manage the cleanup.

AB 2271 *Koretz – Household Batteries: Recycling - Dead*

AB 2271 would have enacted the California Household Battery Recycling Act, which would have introduced a refund value of (10 cents) for each non-rechargeable household battery sold, offered for sale or imported into the state paid by the distributor. This bill was intended to promote the development of collection infrastructure and a statewide recycling program to provide consumers a convenient, cost free, and environmentally sustainable method for the proper and legal disposal of previously used household batteries, closely resembling the beverage container recycling program administered by the Department of Conservation.

AB 2288 *Evans – Real Property Disclosures: Environmental Hazards Experts - Dead*

AB 2288 would have required a transferor of real residential property to disclose to a prospective transferee the availability of a report on environmental hazards that is applicable to the property.

AB 2253 *Hancock – Vehicles: Illegal Dumping (Chapter 765, Statutes of 2006)*

AB 2253 authorizes a court to impound a vehicle used in the illegal dumping of waste matter or harmful waste matter for a time period of up to 6 months upon the misdemeanor or felony conviction of a person for the illegal dumping of waste matter or harmful waste matter if the person is the registered owner of the vehicle, and if that person has one or more prior convictions for illegally dumping waste matter or harmful waste matter.

AB 2296 *Montanez – Solid Waste: Landfill: Standards: Closure and postclosure maintenance*

(Chapter 504, Statutes of 2006)

AB 2296 requires the CIWMB to conduct a study by January 1, 2007 to define conditions that potentially affect solid waste landfills in order to identify long term threats. The CIWMB will also be required to study various financial mechanisms that would protect the State from long term postclosure maintenance or corrective action costs if a landfill owner fails to meet its legal obligations to fund postclosure maintenance or corrective action during the postclosure period.

AB 2404 Klehs – State government: Reports: Declarations - Vetoed

AB 2404 would have required every written report required to be submitted to the Legislature by any state agency, board, or commission, to include a statement signed by the head of that agency, or chair of the board or commission declaring the contents of the report are true, accurate, and complete to the best of his or her knowledge, and established civil penalties for falsification of any report.

AB 2490 Ruskin – California Toxic Release Inventory Program - Vetoed

AB 2490 would have established a California Toxic Release Inventory Program (CalTRIP), a state equivalent to the current U.S. Environmental Protection Agency (EPA) Toxic Release Inventory (TRI) Program.

AB 2587 Liu – Mathamphetamine Cleanup: Mobilehomes: Recreational vehicles (Chapter 789, Statutes of 2006)

AB 2587 expands the scope of the Methamphetamine Contaminated Property Cleanup Act (MCPCA) of 2005 to include methamphetamine labs in mobile homes and recreational vehicles, allow local agencies to hold the property owner or the owner of the mobile home or recreational vehicle responsible for the cleanup, and allow property owners to seek reimbursement from the owner of a mobilehome or recreational vehicle for any cleanup costs they incur.

AB 2591 Keene – State Agencies: Accounts: Reports (Chapter 506, Statutes of 2006)

AB 2591 requires, until January 1, 2010, specified State agencies to submit to the Department of Finance (DOF) an annual report regarding the status of liquidated and delinquent accounts as of the end of the fiscal year. The Director of DOF would be required to submit the report to the Legislature no later than February 28 of each year. These requirements would only apply if sufficient resources at the agencies and departments are available for these purposes.

AB 2610 Keene – Redevelopment Agencies – Dead

AB 2610 would have extended the immunity, as defined in the Polanco Redevelopment Act, to a person who acquires property from an agency if the agency undertakes and completes a remedial or removal action or causes another person to undertake and complete that action and the agency is immune from the liability as set forth in the Polanco Redevelopment Act.

AB 2822 Mullin – Railroad Corporations: Hazardous Substances: Fee - Dead

AB 2822 would have established the Local Emergency Response Hazardous Spill Subaccount in the existing Hazardous Spill Prevention Account. This bill would have required all railroad corporations that transport a hazardous material in the state and which are subject to the federal Hazardous Materials Transportation Authorization Act of 1994 to pay a fee into this new subaccount for purposes related to the costs of developing and maintaining a local emergency response capability with regard to that transportation. The bill also would have authorized the Secretary for Cal/EPA to expend the fee revenues to issue grants to cities and counties for the costs of developing and implementing emergency response capabilities to incidents involving hazardous materials being transported by rail.

AB 2824 Ruskin – Air Pollution: Air Toxics Emissions Inventory - Dead

AB 2824 would have required ARB to make their Internet website page focused on air toxics emissions data more user friendly and accessible to the general public by January 1, 2008. This bill would have also required air districts to submit to the ARB updated air toxics emissions inventory data on an annual basis.

AB 2825 Ruskin – Schoolsites: Hazardous emissions and substances: Environmental Impact – Vetoed

AB 2825 would have revised provisions in the Leroy F. Greene State School Building Lease-Purchase Law of 1976 to additionally require the identification of both existing and proposed school facilities that emit hazardous air emissions or handle extremely hazardous substances, hazardous waste, or hazardous waste within that school district's authority.

AB 2834 *Runner, S. – School Facilities: Contamination: Phase I Environmental Assessment – Dead*

AB 2834 would have authorized DTSC to adopt guidelines for a Phase I environmental assessment for school sites different from those established by the American Society for Testing and Materials. The bill would also have authorized DTSC to adopt regulations that allow the use of a Phase I Addendum in lieu of a Preliminary Endangerment Assessment (PEA) under certain conditions.

AB 2927 *Leno – Public Records: Vetoed*

AB 2927 would have required that by January 1, 2008, any state agency with an Internet Site include on its homepage specified information that is not exempt from disclosure under the California Public Records Act (CPRA) on how to contact the agency, how to request records under CPRA, and a form for submitting online requests for records. The bill would also have authorized any person to bring an action to enforce the duty of a state agency to post this information and would provide for penalties, including monetary awards, to be paid by the agency.

AB 2988 *Liu – Dry Cleaning Operations – Dead*

AB 2988 would have conditionally exempted wastewater treatment activities conducted by dry cleaners using hydrocarbon dry cleaning solvents from the hazardous waste facility permit requirements. This bill would have expanded the current exemption from hazardous waste facility permit requirements for dry cleaners that conduct on-site treatment of wastewater generated from dry cleaning using PCE.

AB 3001 *Pavley – Hazardous Waste: Electronic Devices – Dead*

AB 3001 would have changed the definition of "covered electronic device" in the Electronic Waste Recycling Act to include a "personal computer". Personal computers determined by DTSC to be hazardous would have been subject to an advance recycling fee at time of purchase and would have been eligible for recovery and recycling payments when recycled.

SENATE BILLS

SB 153 *Chesbro – California Clean Water, Safe Neighborhood Parks, and Coastal Protection Act of 2006 - Dead*

SB 153 would have enacted the California Clean Water, Safe Neighborhood Parks, and Coastal Protection Act of 2006 which would have authorized the financing of a program for the acquisition, development, improvement, preservation, rehabilitation, and restoration of agricultural, coastal, cultural, forest, historical, park, recreational, and water resources in the State, and as specified, issued bonds in the amount of \$3.945 million dollars for the purpose of enacting the Act.

SB 187 *Soto – Drinking Water: Contaminants - Vetoed*

SB 187 would have required OEHHA to revise the public health goal for perchlorate in drinking water as soon as possible after new methods for analyzing pathways of exposure become available to OEHHA, or after new findings indicate that the public health goal is insufficient to protect vulnerable populations.

SB 354 *Escutia – Hazardous Materials Release: Remediation (Chapter 523, Statutes of 2006)*

SB 354 removes an exclusion from the definition of “property” under the California Land Environmental Restoration and Reuse Act (CLERRA) to allow local agency CLERRA actions at sites with pending enforcement orders, corrective action orders and permitted treatment, storage, or disposal facilities. The bill also corrects the definition of “environmental assessor” in CLERRA to mean, among others, a class II environmental assessor registered by DTSC.

SB 403 *Machado – Chemical Tanker Task Force – Vetoed*

SB 403 would have created the Chemical Tanker Task Force consisting of a variety of state agencies, including DTSC. The Task Force would have been tasked with gathering information and making recommendations regarding chemical tankers carrying hazardous materials that enter, leave, or navigate the waters of the state. The bill would have also required the Office of Oil Spill Prevention and Response (OSPR) in the Department of Fish and Game (DFG) to submit a report on chemical tankers and chemical tanker safety information to the Legislature, and require OSPR to seek funding for the Task Force’s activities from the federal Department of Homeland Security or other funding.

SB 419 *Simitian – Hazardous Materials: Transportation: Railroad Tank Cars - Dead*

SB 419 would have required the Office of Emergency Services (OES) to create and maintain a hazardous rail tank car database which would contain information including a current certificate of compliance provided by the legal owner or lessee of the rail tank car stating that the rail tank car meets certain standards. SB 419 would also have authorized OES to charge a rail tank car owner or lessee a fee sufficient to maintain the database and would provide that a rail tank car that is listed on the database is a registered hazardous tank car. This bill would have required the legal owner or lessee to present to an official of the railroad, at the point of transfer, the certificate of compliance when delivering a hazardous tank car containing certain hazardous materials to a railroad.

SB 427 *Hollingsworth – California Environmental Quality Act: Scoping Meetings - Dead*

SB 427 would have required notice of at least one scoping meeting be provided to transportation planning agencies or public agencies required to be consulted for projects affecting overpasses, on-ramps, and off-ramps.

SB 655 *Ortiz – Asbestos - Dead*

SB 655 would have required that a Notice of Intention filed with the Department of Real Estate along with an application for a public report, include a statement indicating that the property is within an asbestos hazard zone and to provide a specified notice.

SB 704 *Speier – State Employees: Protective Clothing - Dead*

SB 704 would have required that when a collective bargaining agreement in which the State is a party requires the State employer to provide, or provide allowances or other funds to cover all or some of the costs of uniforms, wearing apparel, or other protective clothing for employees who primarily work outside during certain hours, the clothing shall screen the employee from the harmful effects of ultraviolet radiation.

SB 757 *Kehoe – Oil Conservation, Efficiency, and Alternative Fuels Act - Vetoed*

SB 757 would have enacted the Oil, Efficiency, and Alternative Fuels Act, which would have declared that the policy of the State that state agencies would take all cost effective and technologically feasible actions needed to reduce the growth of petroleum consumption, and increase transportation energy conservation, efficiency, and the use of alternative fuels.

SB 763 *Lowenthal – Economic Development (Chapter 634, Statutes of 2006)*

SB 763 requires the Department of Housing and Community Development (DHCD) to charge a fee in connection with the costs of administering provisions related to the targeted tax area program and the Local Agency Military Base Recovery Act (LAMBRA) and would also require DCHD to assess an enterprise zone, a manufacturing enhancement area, and a LAMBRA the same fee of not more than \$10.

SB 785 *McClintock – CEQA: Procedure - Dead*

SB 785 would have required that within 15 days of the filing of an action or proceeding to attack, review, set aside, void, or annul any acts or decision by a public agency on the grounds of non-compliance with CEQA comply with specified procedures and timelines. This bill would have required within 15 days of the filing of an action, as specified, in which an entity that is not a natural person is the petitioner that the petitioner file a Certification of Interested persons that lists all persons, associations of persons, firms, partnerships, corporations, and any other entity that the petitioner that are known by the petitioner to have either a financial interest in the subject matter of the controversy or any other kind of interest that could be substantially affected by the outcome of the action or proceeding. This bill would have exempted governmental entities or agencies from the specified requirements.

SB 849 *Escutia – Environmental Health Data Tracking - Vetoed*

SB 849 would have required the establishment of the Interagency Office of Environmental Health Tracking within DHS's Division of Environmental and Occupational Disease Control for the purpose of implementing the California Health Tracking Program.

SB 960 *Simitian – Hazardous Waste: research Database - Vetoed*

SB 960 would have repealed a statutory requirement that DTSC assemble and maintain a database containing information on known hazardous waste research programs, and instead, would have required DTSC to provide prominent links on its Internet web site to the Toxic Use Reduction Institute of the University of Massachusetts, Lowell and other similar web sites.

SB 982 *Committee on Environmental Quality – Hazardous Waste: Enforcement - Vetoed*

SB 982 would require the enforcement coordinator at DTSC to establish and maintain a website for receiving reports concerning violation of the hazardous waste control laws and any other statutes and regulations that govern hazardous waste.

SB 989 *Committee on Environmental Quality – Hazardous Material: Bona Fide Ground Tenant: Remedial Actions (Chapter 510, Statutes of 2006)*

SB 989 expands the scope of the California Land Reuse and Revitalization Act of 2004 (CLRRA) to also include newly defined bona fide ground tenants (BFGT), and establishes the conditions and procedures under which BFGTs can qualify for and obtain the immunities of CLRRA.

SB 1058 *Campbell – Recycling Residue - Dead*

SB 1058 would have eliminated the requirement in the California Integrated Waste Management Act of 1989 that results of evaluations on the use of recycling residue being reported in the Board's annual report to the Legislature.

SB 1206 Kehoe – Redevelopment (Chapter 595, Statutes of 2006)

SB 1206 revises the definition of “predominantly urbanized” in the Community Redevelopment Law and revises the conditions that characterize a blighted area. This bill also prohibits the inclusion of non-blighted parcels in a redevelopment project area for the purpose of obtaining property tax revenue from the area without substantial justification for their inclusion.

SB 1294 Ducheny – Geothermal Wastes: Exemption (Chapter 143, Statutes of 2006)

SB 1294 exempts geothermal wastes resulting from the exploration, development or production of geothermal energy from regulation as a hazardous waste, if the waste and geothermal energy production facility meets specified requirements.

SB 1379 Perata – Biomonitoring (Chapter 599, Statutes of 2006)

SB 1379 requires DHS, in collaboration with Cal/EPA, OEHHA, and DTSC, to implement the California Environmental Contaminant Biomonitoring Program (CECBP or Program).

SB 1395 Ducheny – Environmental Quality: Native American sites - Vetoed

SB 1395 would have required that a lead agency that had determined that a project was exempt from CEQA for specified reasons to notify all Native American tribes identified by the California Native American Heritage Commission as having an interest in the area that includes the site of the project, descriptions of the project, brief explanations of why the project was determined to be exempt from CEQA, and a single point of contact to be available to a Native American Tribe.

SB 1432 Lowenthal – Mello-Roos Districts - Dead

SB 1432 would have added to the Mello-Roos Community Facilities Act other services that may be financed by a district and specified that the services could not be funded by the issuance of bonds. The bill would have authorized a district to fund programs to create incentives for or to subsidize lower income housing.

SB 1478 Speier – Toxic Chemicals: Release Form - Dead

SB 1478 would have enacted the "California Community Right to Know Act of 2006," a state equivalent to the current U.S. Environmental Protection Agency (EPA) Toxic Release Inventory (TRI) Program. SB 1478 would have required California businesses to complete and submit to Cal/EPA a form describing releases of toxic chemicals that are manufactured, processed, or otherwise used in quantities above a threshold amount.

SB 1605 Margett – Public Contracts: Public Works (Chapter 183, Statutes of 2006)

SB 1605 clarifies that contractors in local public works contracts involving excavation deeper than four feet below the surface must notify the local public entity in writing if soil conditions differ from those indicated at the time of the contract.

SB 1798 Perata – California Environmental Quality Act: Infill Development - Dead

SB 1798 would have revised the definition of “infill site” as currently defined in CEQA to exclude, from the condition regarding the creation of a parcel within the past 10 years, the merger of parcels by a redevelopment agency.

SB 1814 Torlakson – CEQA: Schools (Chapter 882, Statutes of 2006)

SB 1814 authorizes a master environmental impact report under CEQA to be prepared for a plan for school projects undertaken by a school district that complies with certain school facilities requirements.

SB 1829 Lowenthal – Marine Terminals: Air Emissions - Dead

SB 1829 would have required that each marine terminal in California operate in a manner that does not cause trucks, that are waiting to load or unload their cargo, to idle for more than 30 minutes while waiting to enter into the terminal or for more than 30 minutes per transaction from the first point of entry until the time that the truck has passed through the final gate

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AB 274	Baca	State Employees: Paid Leave: Education	Dead
AB 284	Bermudez	State Employees: Salary Ranges: Professional Scientists	Dead
AB 1186	Horton, J.	State Civil Service	Dead
AB 1279	Ruskin	Hazardous Substances: Military Base Remediation: Oversight	Dead
AB 1302	Horton, J.	Office of Administrative Law: Regulations	Chapter 713, Statutes of 2006
AB 2404	Klehs	State Government: Reports: Declarations	Vetoed
AB 2591	Keene	State Agencies: Accounts: Reports	Chapter 506, Statutes of 2006
AB 2927	Leno	Public Records	Vetoed
SB 982	SCEQ	Hazardous Waste: Enforcement	Vetoed

Asbestos:

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Brownfields:

AB 597	Montanez	Response Actions: Brownfield Sites	Dead
AB 906	Houston	Income Taxes: Credits: Construction Costs: Qualified Developments	Dead
AB 1341	CESTM	California Pollution Control Financing Authority: Grants and Loans	Chapter 714, Statutes of 2006
AB 2092	Hancock	Hazardous Substances: Vapor Intrusion	Vetoed
AB 2144	Montanez	Hazardous Materials: Land Use	Chapter 562, Statutes of 2006
SB 187	Soto	Drinking Water: Contaminants	Vetoed
SB 354	Escutia	Hazardous Substances: Brownfields Task Force	Chapter 523, Statutes of 2006
SB 403	Machado	Chemical Tanker Task Force	Vetoed
SB 989	SCEQ	Hazardous Material: Bona Fide Ground Tenant: Remedial Actions	Chapter 510, Statutes of 2006

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AB 1387	Jones	CEQA: Residential Infill Projects	Chapter 715, Statutes of 2006
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SB 785	McClintock	CEQA: Procedure	Dead
SB 1395	Ducheny	Environmental Quality: Native American Sites	Vetoed
SB 1798	Perata	CEQA: Infill Development	Dead
SB 1814	Torlakson	CEQA: Schools	Chapter 882, Statutes of 2006

Clandestine Drug Labs:

AB 283	Koretz	Ephedrine and Pseudoephedrine: Retail Sale	Dead
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Environmental Laboratories:

SB 1379	Perata	Biomonitoring	Chapter 599, Statutes of 2006
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Fees/Taxes:

AB 1232	Horton, Jerome	Hazardous Substances: Cleanup Program	Dead
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Hazardous Materials:

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AB 766	Coto	Hazardous Materials: Liability	Dead
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AB 908	Chu	Cosmetics	Dead
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AB 1168	Saldana	Drinking Water Standards	Vetoed
AB 1327	Tran	Hazardous Materials: Accidental Release Prevention Program	Dead
AB 2490	Ruskin	California Toxic Release Inventory Program	Vetoed
SB 419	Simitian	Hazardous Materials: Transportation: Railroad Tank Cars	Dead
SB 757	Kehoe	Oil Conservation, Efficiency, and Alternative Fuel Act	Vetoed
SB 849	Escutia	Environmental Health Data Tracking	Vetoed
SB 1478	Speier	Toxic Chemicals: Release Form	Dead

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AB 1295	Bermudez	Fireworks: Sale: Disposal	Dead
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SB 423	Simitian	Hazardous Waste: Mercury Relays And Switches: Exemption	Dead
SB 935	Ducheny	Tribal Gaming: Compact Ratification	Dead
SB 960	Simitian	Hazardous Waste: Research Database	Vetoed
SB 1058	Campbell	Recycling Residue	Dead
SB 1294	Ducheny	Geothermal Waste: Exemption	Chapter 143, Statutes of 2006

SB 1605	Margett	Public Contracts: Public Works	Chapter 183, Statutes of 2006
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AB 1240	Levine	Mercury	Dead
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AB 492	Wolk	Hazardous Materials: Perchlorate: Business Plans	Dead
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Railroads:

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AB 1935	Bermudez	Railroads: Maintenance and Safety	Chapter 885, Statutes of 2006

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SB 1058	Campbell	Recycling Residue	Dead

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AB 2824	Ruskin	Air Pollution: Air Toxics Emissions Inventory	Dead
AB 2825	Ruskin	Schoolsites: Hazardous Emissions and Substances: Environmental Impact	Vetoed
AB 2834	Runner, S.	School Facilities: Contamination: Phase I Environmental Assessment	Dead

Solid Waste:

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Site Mitigation/Site Cleanup/Corrective Action:

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AB 782	Mullin	Redevelopment: Project Area	Chapter 113, Statutes of 2006
AB 2228	Evans	Real Property Disclosures: Environmental Hazards Experts	Dead
AB 2610	Keene	Redevelopment Agencies	Dead
SB 763	Lowenthal	Economic Development	Chapter 634, Statutes of 2006
SB 1206	Kehoe	Redevelopment	Chapter 595, Statutes of 2006
SB 1432	Lowenthal	Mello-Roos Districts	Vetoed
SR 8	Torlakson	Relative to Transportation and Housing	Dead

Underground Storage Tanks:

AB 492	Wolk	Petroleum: Underground Storage Tanks: Claims	Dead
SB 1115	Perata	Underground Storage Tanks: Corrective Action	Dead

Water Issues:

SB 1067	Kehoe	Drinking Water	Vetoed
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VETO MESSAGES

AB 1337

Ruskin

**Environment: State Buildings: Green
Building Standards**

Vetoed

To the Members of the California State Assembly:

I am returning Assembly Bill 1337 without my signature.

This bill requires the California Integrated Waste Management Board to develop regulations for green building standards for the construction and renovation of state buildings. The bill also mandates that all state buildings be designed and operated in accordance with the regulations. In California, building standards are developed by the California Building Standards Commission. They prescribe how State building standards are written and promulgated in a public and participatory manner. The California Integrated Waste Management Board expertise is in waste management and reduction and they have done excellent work in identifying new uses in building products for recycled material. However, the Board does not have the expertise in building standards, public safety, building design and construction, fire codes and public process to ensure the standards are developed in an appropriate manner.

Therefore, I am unable to sign this bill

Sincerely,

Arnold Schwarzenegger

AB 2092 Hancock Hazardous Substance Release: Vapor Intrusion Vetoed

To the Members of the California State Assembly:

I am returning Assembly Bill 2092 without my signature.

Brownfield sites can pose a threat to the public health and the environment. I have strongly supported prior brownfield legislation and initiated administrative efforts to expand and improve brownfield site cleanups including AB 389 in 2004. Under my Administration, the California Environmental Protection Agency, State Water Resources Control Board, Regional Water Quality Control Boards and Department of Toxic Substances Control have signed a Memorandum of Agreement to improve coordination of regulatory activities at these sites.

This bill is unnecessary and may inadvertently stigmatize a site, delaying cleanup and reuse. This bill assumes that vapor intrusion is a major undetected and unaddressed problem. Although vapor intrusion has been a problem at some specific sites, there are already effective measures to address this issue. The current site characterization and cleanup processes address all possible exposure pathways, including human health risk from vapor intrusion.

Additionally, this bill does not provide for the removal of sites from the summary list once it has been cleaned up or determined not to pose a public health risk. As a result, this bill is likely to result in unnecessary public concern and could result in sites not being cleaned up in a timely manner.

Sincerely,

Arnold Schwarzenegger

To the Members of the California State Assembly:

I am returning Assembly Bill 2404 without my signature.

Although I agree that the Legislature should base their decisions on sound information that is true, accurate and complete, I believe that this bill is the wrong approach.

By requiring that only mandatory reports submitted to the Legislature and State Controller contain signed statements attesting to their accuracy, this bill would create an inconsistent system in which some of the information considered in the legislative process is subject to declarations of truth, while the majority of the written material used in the legislative process is accepted as truth without verification. The Legislature already has the authority to question the accuracy of a report by requiring those responsible for submitting the report to attest to the accuracy of the report under oath.

Given this legislative oversight and the fact that state law already makes it a misdemeanor for a state or local official to submit a written report containing false information to the State Controller, this measure is unnecessary.

Sincerely,

Arnold Schwarzenegger

AB 2490

Ruskin

California Toxic Release Inventory Program

Vetoed

To the Members of the California State Assembly:

I am returning Assembly Bill 2490 without my signature.

This bill establishes a state level program mirroring the United States Environmental Protection Agency's (USEPA) existing Toxics Release Inventory program under specific conditions. This bill is overly broad, premature and duplicative. This bill attempts to address a preliminary draft proposal by USEPA that has not been adopted.

The bill would require California to develop a new multi million dollar state level reporting system for information that would be mostly duplicative of data that would continue to be collected at the federal level even if the federal government chooses to proceed with its proposed changes.

Sincerely,

Arnold Schwarzenegger

To the Members of the California State Assembly:

I am returning Assembly Bill 2927 without my signature.

An open and accessible government is critical to instill confidence in the governed. Indeed the people recently voted overwhelmingly to amend California's Constitution to make access to public records a fundamental right. That is why I issued Executive Order S-03-06 which directs all state departments to post PRA request guidelines in a conspicuous public place at all office locations and to identify and designate staff to handle the requests and ensure appropriate training in PRA compliance for designated staff members.

As a result of the order, all executive branch agencies have reviewed their public records procedures. They have been revamped to improve performance and compliance and extensive training has been provided to state agency staff. These efforts address the problem this bill is attempting to fix. In addition the provision allowing the Attorney General to review denials of public records requests is unduly burdensome. The Attorney General is the attorney for most State agencies on responding to such requests and thus this bill creates an inherent conflict of interest.

I will continue to require the highest standards of compliance with the Public Records Act throughout the executive branch

Sincerely,

Arnold Schwarzenegger

AB 2825

Ruskin

**Schoolsites: Hazardous Emissions and Substances: Vetoed
Environmental Impact**

To the Members of the California Assembly:

I am returning Assembly Bill 2825 without my signature.

This bill would require a school district, in preparing an environmental impact report for a proposed school site, to identify any proposed facilities that, if built, could emit hazardous air emissions or handle specified hazardous substances within one-fourth of a mile of the proposed site, I am concerned that this bill would impose unnecessary additional costs on school districts requiring them to identify and review potential impacts of proposed facilities that may never be built. Current law provides assurances that schools will not be built near sites containing actual air emissions which could be harmful to school children and faculty.

Sincerely,

Arnold Schwarzenegger

SB 187

Soto

Drinking Water: Contamination

Vetoed

To the Members of the California State Senate:

I am returning Senate bill 187 without my signature.

This bill alters the existing process for the adoption of drinking water standards by the Department of Health Services (DHS). Although I support the intent of SB 187 to protect the public drinking water supply, the bill ignores the deliberative scientific process that must be part of the development of any drinking water standard. A maximum contaminant level (MCL) is an enforceable regulatory standard under the Safe Drinking Water Act and must be complied with by public water systems. Current law requires DHS, while placing primary emphasis on the protection of public health, to establish an MCL at a level as close to the theoretical public health goal as is technically and economically feasible.

This bill ignores the necessity to consider economic and technological feasibility when adopting an enforceable drinking water standard.

Sincerely,

Arnold Schwarzenegger

SB 403

Machado

Chemical Tanker Task Force

Vetoed

To the Members of the California State Senate:

I am returning Senate Bill 403 without my signature.

Although tank vessels transporting chemicals on California waters can pose challenges, local Harbor Safety Committees and the United States Coast Guard already have the authority to require safety measures for vessels which might pose a particular threat to the port or environment.

My Office of Homeland Security has expressed concerns that I share, that the report required by this bill, particularly by disclosing the list of tank vessels, their specific structure and safety features, the type and quantity of their chemical cargoes and their ports of call could actually threaten, instead of protect, both the environment and public.

Sincerely,

Arnold Schwarzenegger

SB 757

Kehoe

**Oil Conservation, Efficiency, and
Alternative Fuels Act**

Vetoed

To the Members of the California State Senate:

I am returning Senate Bill 757 without my signature.

The intent of this bill is laudable, however, it is duplicative of ongoing efforts, costly, and may impede the significant progress California is making to address alternative transportation fuels. I strongly agree with this goal and have taken many actions over the past year toward achieving this end, including issuing an Executive Order promoting befores, S-06-06 and signing Assembly Bills 1007 and 32.

AB 1007 requires the California Energy Commission and ARB to assess the relative environmental and public health benefits of different alternative fuel types and to develop and adopt a detailed state plan to increase the use of alternative transportation fuels in California. From that roadmap an integrated and comprehensive set of actions can be taken. Any legislative actions taken by the state prior to the release of the AB 1007 plan would be premature.

Additionally, the process established in Assembly Bill 32 will guide the state's implementation of alternative fuels that help reduce greenhouse gas emissions. We must not second guess the process established in AB 32 with bills that address the same issues. Now that AB 32 is enacted, we must let it work.

For these reasons, I am unable to sign this bill.

Sincerely,

Arnold Schwarzenegger

SB 849

Escutia

Environmental Health Data Tracking

Vetoed

To the Members of the California State Senate:

While I agree with the author, that improved coordination of research and data collection can help California better protect public health, I am returning Senate Bill 849 without my signature as this bill duplicates efforts underway. California has taken great strides to better protect public health and improve environmental health by creating a new Department of Public Health and establishing the first comprehensive, statewide effort to measure and catalogue human exposure to chemicals.

California's Biomonitoring Program, established by SB 1379 (Perata) which I recently signed into law, will help us better understand how chemicals in our environment may be building up and affecting our bodies, our environment, and our public health. The Biomonitoring program will build on existing efforts to increase data sharing and strengthen research efforts through an environmental health tracking program.

Sincerely,

Arnold Schwarzenegger

SB 960

Simitian

Hazardous Waste: Research Database

Vetoed

To the Members of the California State Senate:

I am returning Senate Bill 960 without my signature.

This bill requires the Department of Toxic Substances Control to post on its website information it already has posted and link to sites it already links to. Referencing these sites in statute is duplicative and will limit discretion of the Director to find the best most relevant sites in which to provide links so that businesses and consumers have access to the most current and useful data.

Sincerely,

Arnold Schwarzenegger

SB 982

**Committee on Environmental Quality Hazardous Substances
and Waste: Enforcement:
Underground Storage Tanks**

Vetoed

To the Members of the California State Senate:

I am returning Senate Bill 982 without my signature.

This bill is duplicative of existing activities at the Department of Toxic Substances Control. The department already makes its environmental enforcement and complaint information available on its website. It allows the State Water Resources Control Board to post reports already available to the public. Therefore, this bill is unnecessary and duplicative.

Sincerely,

Arnold Schwarzenegger

SB 1395

Ducheny

Environmental Quality: Native American Sites

Vetoed

To the Members of the California State Senate:

I am returning Senate Bill 1395 without my signature.

This bill places unnecessary obligations on state and local agencies in times of emergency and could hinder completion of important public safety projects. Specifically, this measures notification and information exchange requirements would result in lead agencies having to enter into potentially lengthy discussions with Native American tribes during critical times before or after an emergency. While I agree with the measures intent to enhance environmental protections for Native American sacred sites, such protections should not potentially endanger the health and safety of California citizens.

Sincerely,

Arnold Schwarzenegger

SB 1432

Lowenthal

Mello-Roos Districts

Vetoed

To the Members of the California State Senate:

I am returning Senate Bill 1432 without my signature.

Since the enactment of the Mello-Roos Community Financing Act of 1982, Mello-Roos taxes have been used to finance the construction of schools, parks, police and fire service, streets, and other services needed to accommodate new home development. This bill makes a number of technical amendments and clarifications which I find unobjectionable. However, this bill also contains a provision that would allow Mello-Roos taxes to be imposed on homeowners in order to finance affordable housing projects. This provision represents a fundamental shift in the purpose of Mello-Roos taxes and is one that I cannot support. While I support the construction of much-needed affordable housing in our state, the burden to finance that construction should not be placed on homeowners in the form of what is essentially a tax increase.

Sincerely,

Arnold Schwarzenegger